

ORDER GRANTING PETITION FOR ANNEXATION  
TO NORTH KOOTENAI WATER DISTRICT  
Kootenai County, Idaho

091

WIRTH ANNEXATION

THE BOARD OF DIRECTORS (the "Board") of NORTH KOOTENAI WATER DISTRICT (the "District") makes the following findings relative to a Petition for Annexation presented to the Board:

(1) The District is a validly formed water district under and by virtues of the laws of the State of Idaho.

(2) The owner of certain real property located in Kootenai County, Idaho, generally adjacent to the boundaries of the District, filed a Petition for Annexation with the District which complied with the requirements of Idaho Code §42-3218(a) (a copy of the Petition and attachments thereto are attached hereto as Exhibit "A" as though fully set forth herein).

(3) After a thorough examination and review by the Board and its consultants, it was established that the Petition was executed by the property owner in the area covered by the annexation. (The area covered by the annexation is set forth in the map attached hereto and incorporated herein by this reference as Exhibit "B".)

(4) The Board set a public hearing on the Petition for Annexation.

(5) The public hearing was set for August 1, 2013, with notice of this hearing ("Notice") given by both publication and mailing. Notice was published in the *Coeur d'Alene Press* on July 20, 2013 and July 27, 2013. (A copy of the Notice and Affidavit of Publication are attached hereto and incorporated herein by this reference as Exhibit "C".) At this public hearing the Board and its consultants were prepared to respond to any questions or issues raised.

(6) The Board has assumed, pursuant to the provisions of Idaho Code Section 42-3218(b) that the failure of any other individuals to show cause in writing as to the annexation of the property described in Exhibit "B", is deemed as their assent.

(7) The Board, after consideration of the records and files herein and the public health and safety of the current and future residents and businesses in the District and the area proposed for annexation, find it in the best interests of the District, its residents and those who are in the area to be annexed into the District, to annex the area covered by the Petition.

(8) Subject to the conditions placed on the annexation by the District, the real property described in the map attached hereto as Exhibit "B" and legally described in Exhibit "D" attached hereto is hereby incorporated into the District as of the date this Order is recorded with the County Recorder.

RECEIVED

AUG 28 2013

-1-

TECHNICAL SUPPORT

CLIFFORD T. HAYES 16P 2424641000  
KOOTENAI COUNTY RECORDER Page 1 of 16  
DAS Date 08/19/2013 Time 11:37:40  
REQ OF NORTH KOOTENAI WATER & SEWER  
RECORDING FEES: \$0.00  
2424641000 XK

(9) The Secretary of the District is hereby directed to file this Order in the records of the District and transmit this Order and all the attachments thereto to the appropriate Kootenai County offices for filing pursuant to Idaho Code §42-3218(b).

(10) Petitioner agrees to pay for its share of a New Facility Plan or Facility Plan Amendment and Preliminary Engineering Report as required by the Idaho Department of Environmental Quality.

(11) Conditions: This annexation is conditioned upon completion of the following:

That the petitioner will complete and pay for certain improvements to the specifications and requirements of the District (at its sole discretion) in order to provide service to the property included in this annexation.

Should it be later determined that one or more of the above conditions has not been satisfactorily achieved, the Board shall have the right to remove or deannex this property from the boundaries of the District.

This Order is adopted by a majority vote of the Board of Directors at a meeting on August 1, 2013.

NORTH KOOTENAI WATER DISTRICT

By:   
Chairman, Board of Directors

ATTEST:

  
Secretary

## LIST OF EXHIBITS

- A. Petition requesting annexation
- B. Map of the area to be annexed
- C. Notice and Affidavit of Publication of Public Hearing .
- D. Legal Description of real property annexed into District

# **EXHIBIT “A”**

PETITION FOR ANNEXATION  
NORTH KOOTENAI WATER DISTRICT  
KOOTENAI COUNTY, IDAHO

WIRTH ANNEXATION

COMES NOW Petitioner(s), CHAD T. WIRTH and petitions the Board of Directors of North Kootenai Water District ("District") as follows:

1. Petitioner(s) are the owners of the real property situated within the County of Kootenai, State of Idaho, particularly described in Exhibit "A", attached hereto, and incorporated herein by reference.

2. Petitioner(s) are desirous that the above-described property be included in, made or part of, and be served with water system improvements in North Kootenai Water District, Kootenai County, Idaho.

3. Petitioners request that, in accordance with the provisions of Section 42-3218, Idaho Code, notice of the filing of this petition be given and published in the official newspaper of the District in Kootenai County, Idaho, said notice to give all persons interested an opportunity to appear and show cause in writing, if any they have, why this petition should not be granted at the hearing, time and place to be set by this Board; that further, assuming that no valid objections are made to the inclusion of the above-described property within the boundaries of the District, the Board enter its order that the above-described property be included within the boundaries of the District, and that such order be recorder and filed with Kootenai County, Idaho and filed with the State of Idaho Tax Commission.

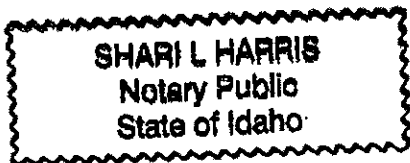
4. That Petitioners are aware that, as a condition of annexation, the District may require that the land described in this petition be subjected to the following requirements:

(a) The Petitioners shall pay for the actual costs incurred by the District for District administration, engineering, legal, inspection, and preparation of any necessary documents that are required by the District for annexation of the property. Such District costs shall include, but are not limited to, preparation of conditions of annexation, any needed water and/or system master planning, design consultations, plan reviews, and final approval of the Petitioner's construction plans and specifications for water facilities.

(b) The Petitioner shall be responsible for all water facilities that will be necessary to serve the Petitioner's annexed property. These water facilities will include those required within the annexed property as well as all necessary water and sewer facilities needed to extend water and sewer service from the District's existing facilities to those proposed to serve the annexed property. The District shall have the right to dictate where and how the Petitioner's water and sewer facilities that serve the annexed area may be connected to the District's water and sewer facilities. Upon completion of installation and approval by the District of all water and sewer facilities the Petitioner shall dedicate such facilities to the District.

STATE OF IDAHO            )  
  ) ss.  
COUNTY OF KOOTENAI    )

I certify that I know or have satisfactory evidence that Chad Quinn is the person who appeared before me, and said person acknowledged that he signed this instrument as the \_\_\_\_\_ of \_\_\_\_\_, and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.



Shari L. Harris  
NOTARY PUBLIC for the State of Idaho  
Shari Harris [Print name]  
My appointment expires: 3/23/2017

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**BEGINNING AT A POINT 1161.4 FEET SOUTH AND 692 FEET EAST FROM THE NORTHWEST CORNER OF GOVERNMENT LOT 3, SECTION 31, TOWNSHIP 53 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, STATE OF IDAHO;**

**THENCE EAST, 208 FEET;**

**THENCE SOUTH TO THE NORTH LINE OF A 30 FOOT ROAD WHICH LIES PARALLEL TO THE NORTH LINE OF BLOCK 2 OF FIRST ADDITION TO LAKEVIEW ADDITION, ACCORDING TO THE RECORDED PLAT;**

**THENCE IN A NORTHWESTERLY DIRECTION ALONG THE NORTH LINE OF SAID ROAD TO A POINT DIRECTLY SOUTH OF THE PLACE OF BEGINNING;**

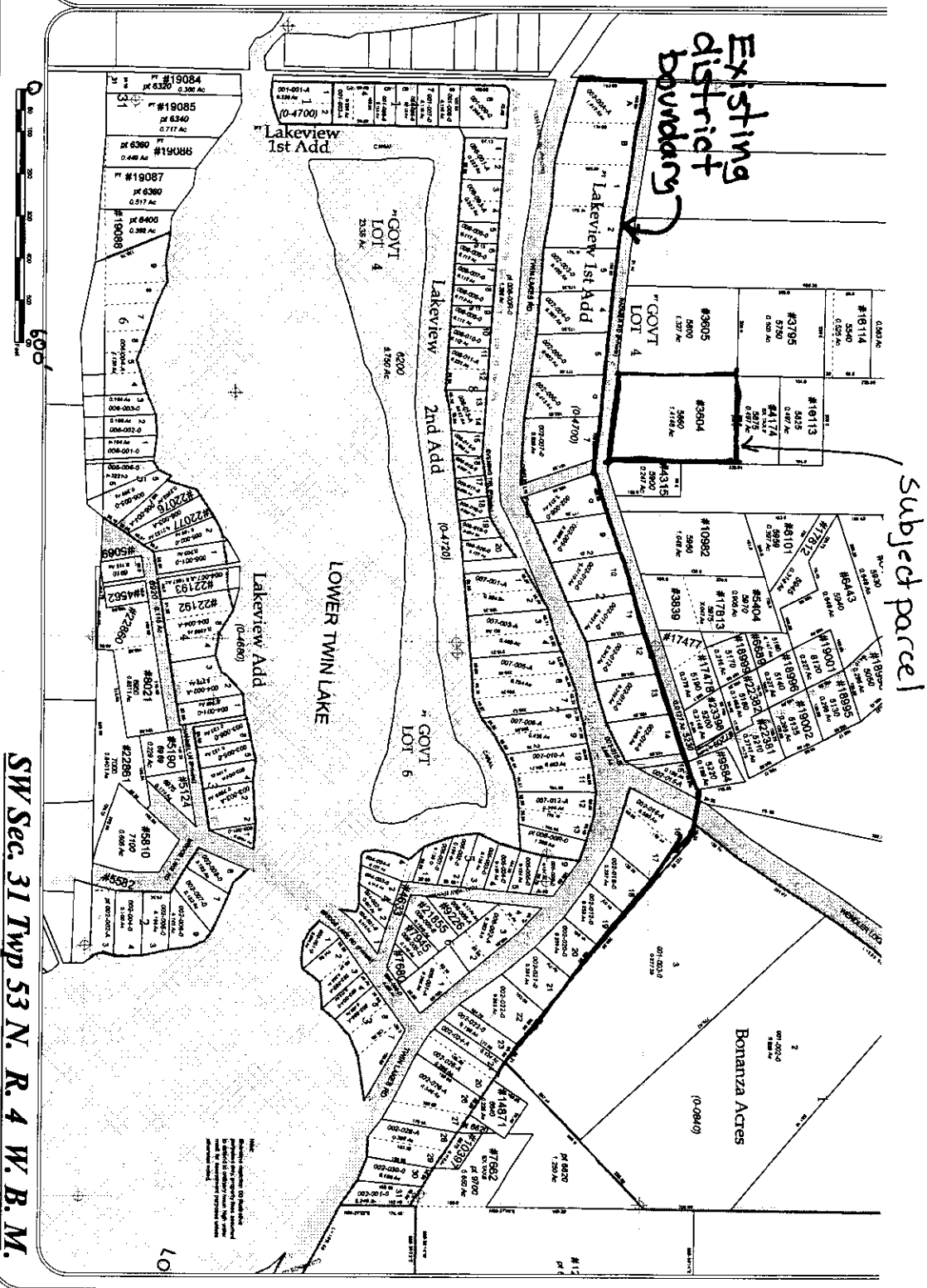
**THENCE NORTH TO THE PLACE OF BEGINNING, AND BEING A PART OF GOVERNMENT LOTS 3 AND 4, SECTION 31, TOWNSHIP 53 NORTH, RANGE 4 WEST, BOISE MERIDIAN, KOOTENAI COUNTY, STATE OF IDAHO.**

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☐ Tax/Permits     Private Roads     City Limits  
☐ Legal Areas     Plat Boundaries     GCDB\_Corner  
☐ Road RW     Railroad     GCDB\_Lines

 $\rightarrow Z$ 

North Kootenai Water District Annexation





# **EXHIBIT “B”**



# **EXHIBIT “C”**

NOTICE OF PUBLIC HEARING  
OF ANNEXATION OF PROPERTY INTO  
NORTH KOOTENAI WATER DISTRICT  
Kootenai County, Idaho

WIRTH ANNEXATION

The Board of Directors (the "Board") of the North Kootenai Water District (the "District") will be holding a public hearing on the annexation of property into the District. The public hearing will be held as follows:

Day: Thursday

Date: August 1, 2013

Time: 12:30 p.m.

Location: 13649 N. Meyer Rd., Rathdrum, ID 83858-4904

The annexation hearing is based upon a petition filed by the following parties for the properties identified in such petition: Chad T. Wirth (Parcel No. 53N04W315860 and Parcel No. 53N04W315880). A copy of the petition and additional description of the area covered by the petition can be obtained from the District by sending a request to:

North Kootenai Water District  
13649 N. Meyer Rd.  
Rathdrum, ID 83858-4904

All persons interested in appearing at the time and place of the hearing may show cause in writing why any petition for annexation should not be granted. The Board shall consider, at the hearing, any objection presented in writing. The failure of any person to show cause in writing shall be deemed as an assent to include their property within the boundaries of the District.

Anyone wishing to provide written comments, who is unable to attend the hearing, may provide them in advance of the hearing by sending them, first class mail, postage pre-paid, to:

North Kootenai Water District  
13649 N. Meyer Rd.  
Rathdrum, ID 83858-4904

Failure to have your written comments to the Board in advance of the public hearing means they will not be considered by the Board at the public hearing.

DATED this 18<sup>th</sup> day of July, 2013.

NORTH KOOTENAI WATER DISTRICT,  
Kootenai County, Idaho

# AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }  
County of Kootenai, } ss.

Madison Muenzie being first duly sworn  
upon oath deposes and says:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press," a newspaper printed and published daily except Sunday in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

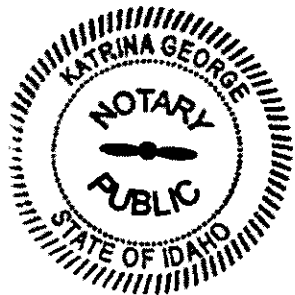
3. The Legal Notice

of which the annexed is a printed copy, was published in the regular Saturday issue of said newspaper for 2 consecutive weeks commencing on the 20 day of July 20 13 and ending on the 27 day of July 20 13 and such publication was made as often during said period as said Daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice Madison Muenzie. On this 27 day of July in the year of 2013, before me, a Notary Public, personally appeared Madison Muenzie known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Katrina George

Notary Public for the State of Idaho,  
residing at Coeur d'Alene, Idaho.



MY COMMISSION EXPIRES 8/21

NOTICE OF PUBLIC HEARING  
OF ANNEXATION OF  
PROPERTY INTO  
NORTH KOOTENAI WATER  
DISTRICT  
Kootenai County, Idaho

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Rathdrum, ID 83858-4904

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DATED this 18th day of July, 2013.

NORTH KOOTENAI WATER  
DISTRICT, Kootenai County,  
Idaho  
Legal 8900  
July 20, 27, 2013

# **EXHIBIT “D”**

**EXHIBIT "A"**  
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## North Kootenai Water & Sewer District

13649 N. Meyer Rd. • Rathdrum, ID 83858  
Phone: (208) 687-6593 • Fax: (208) 687-6597  
Contact Us: [www.nkwsd.com](http://www.nkwsd.com)

### Letter of Transmittal


<b>Attn:</b>	Craig Johnson	<b>Date:</b>	08.19.13
<b>Company:</b>	Idaho Tax Commission	<b>Job:</b>	Wirth Annexation

**[ITEMS TRANSMITTED**    ☒ Mailed/UPS                      ☐ Delivered                      ☐ Picked-up

COPIES	DATED	DESCRIPTION
1	08.01.13	Order Granting Petition for Annexation - Wirth

These are transmitted as checked below:

☐ For Approval                      ☐ Approved as submitted                      ☐ For Your Use  
☐ As Requested                      ☒ Permanent Records                      ☐ Returned  
☐ Inspection/Repair

By  North Kootenai Water District  
Mike Galante